



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

SEP 19 1995

4WMD

NOTICE OF ADMINISTRATIVE ORDER AMENDMENT
URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Mr. L. W. "Doc" Heath, Ph.D., P.E.
Environmental Associate
Safety, Environment and Health
OXY USA Inc.
110 West 7th Street
Suite 1
P. O. Box 300
Tulsa, Oklahoma 74102-0300

SUBJ: Amendment To Administrative Order On Consent
EPA Docket No.: 91-36-C
OXY USA Inc.
London Mill Wastewater Treatment Plant
Polk County, Tennessee

Dear Mr. Heath:

The purpose of this letter is to convey the enclosed Amendment to Administrative Order On Consent, EPA Docket No.: 91-36-C. Please sign the enclosed document and return it to the Region for final issuance.

If you have any questions concerning the enclosed, please do not hesitate to call Stedman S. Southall of our Office of Regional Counsel at telephone number (404) 347-2641, extension 2278.

Sincerely,

Michael A. Green, Deputy
Joseph R. Franzmathes
Director, Waste Management Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IV

IN THE MATTER OF:

London Mill Wastewater
Treatment Plant
Polk County, Tennessee

OXY USA Inc.
110 West Seventh Street
Tulsa, Oklahoma 74119

Respondent.

)
)
) Proceedings Under Sections
) 104, 106, and 122 of the
) Comprehensive Environmental
) Response, Compensation and
) Liability Act of 1980 as
) amended 42 U.S.C. Sections
) 9604, 9606, and 9622
)
) EPA DOCKET NO.: 91-36-C
)
)

AMENDMENT TO ADMINISTRATIVE ORDER ON CONSENT

I. JURISDICTION

The statement of jurisdiction contained in the Administrative Order on Consent previously entered in this matter on the 17th day of September 1991, EPA Docket No.: 91-36-C (hereinafter referred to as the "Consent Order") is adopted and incorporated herein by reference as fully as if set forth verbatim.

II. PARTIES BOUND

The statement of parties bound contained in the Consent Order is adopted and incorporated herein by reference as fully as if set forth verbatim; provided, however, subsequent to issuance of the Consent Order, OXY Oil and Gas USA Inc. merged into OXY USA Inc. on December 31, 1993. Because of the merger OXY USA Inc. has assumed certain of the liabilities and obligations of OXY Oil and Gas USA Inc. and hereby acknowledges that it is bound as a party under the Consent Order and this Amendment to the Consent Order.

III. FINDINGS OF FACT

The findings of fact found in the Consent Order are adopted and incorporated herein by reference as fully as if set forth verbatim. In addition thereto, for this Amendment To Administrative Order on Consent, EPA further finds that:

A. On March 30, 1995, the parties met in Chattanooga, Tennessee along with representatives of the Tennessee Department of Environment and Conservation ("TDEC"), at which time the Respondent proposed to conduct a Focused Data Collection Program ("FDCP") in accordance with a Work Plan to be approved by EPA and TDEC. OXY USA Inc., TDEC and EPA determined that future compliance with portions of the Consent Order yet to be performed would be infeasible and that a FDCP to adequately characterize the Site was a necessary prerequisite to any further Site activity. The FDCP was proposed in order to facilitate OXY USA Inc.'s future compliance with the Consent Order; provide improved knowledge of water pollution sources; examine alternative means for instream pollution reduction; and, study the interaction between ground water, mine water and surface water streams within a certain Study Area, to wit:

- i) Tailings Pond;
- ii) Retention Pond;
- iii) Burra-Burra Creek;
- iv) The northern portion of North Potato Creek and its watershed;
- v) McPherson Mine;
- vi) Isabella Mine;
- vii) London Mills Flotation Plant (LMFP);
- viii) London Mills Wastewater Treatment Plant (LMWWTP);
- ix) Eureka Mine;
- x) Burra-Burra Mine;
- xi) Town of Reesetown;
- xii) Town of Isabella.

The FDCP is to be done in accordance with a Work Plan which was reviewed and approved by EPA and TDEC in June 1995.

IV. CONCLUSIONS OF LAW

The conclusions of law contained in the Consent Order are adopted and incorporated herein as fully as if set forth verbatim.

V. DETERMINATIONS

The determinations contained in the Consent Order are adopted and incorporated herein as fully as if set forth verbatim.

VI. ORDER

The orders contained in the Consent Order are adopted and incorporated herein as fully as if set forth verbatim, subject to the following amendments:

A. In accordance with the Work Plan approved by EPA and TDEC, the Respondent shall implement a Focused Data Collection Program to study the interaction between ground water, mine water and surface water streams in the Study Area described above.

B. Simultaneously with the execution of this Amendment to Administrative Order on Consent, the Respondent shall enter into a Consent Order and Agreement with TDEC pursuant to Tennessee Code Annotated §68-212-224. Under the authority of the Consent Order and Agreement with the TDEC, the TDEC shall provide oversight of the Respondent's implementation of the FDCP. TDEC's oversight of the FDCP implementation shall be conducted by TDEC through its Voluntary Cleanup, Oversight, and Assistance Program. The FDCP shall be implemented in accordance with the approved Work Plan and any applicable provisions of the Consent Order and Agreement.

C. During implementation of the FDCP, the effluent from the London Mill Wastewater Treatment Plant shall meet the effluent limitations specified in Appendix 1 of the Consent Order as opposed to those effluent limitations specified in Appendix 2 of the Consent Order.

D. In addition, during implementation of the FDCP, the Respondent shall comply with the monitoring procedures and reporting requirements specified in Appendix 1 of the Consent Order, except as they apply to the three (3) instream monitoring stations required under Part II, Section A of Appendix 1 of the Consent Order: located on North Potato Creek, at Isabella, upstream from the influence of the discharge; on Burra-Burra Creek upstream of the confluence of Burra-Burra Creek and North Potato Creek; and on North Potato Creek downstream from the confluence of Burra-Burra Creek and North Potato Creek. The monitoring stations and measurement of parameters for samples from the instream monitoring stations required under Part II, Section II, Section B of Appendix 1 of the Consent Order shall not be required and shall be superseded by the Respondent's implementation of the FDCP in accordance with the approved Work Plan.

E. The ground water monitoring contained in the FDCP shall replace and supersede the ground water monitoring requirements set forth in the Consent Order.

F. Upon completion of the FDCP, OXY USA Inc. and TDEC shall evaluate the most feasible methods for OXY USA Inc.'s achieving future compliance with the Consent Order.

For the U.S Environmental Protection Agency

Richard D. Green, Deputy JRF 9/20/95
Date

CONSENT

Oxy Oil and Gas USA Inc./OXY USA INC., the Respondent in the London Mill Wastewater Treatment Plant Administrative Order on Consent, has had an opportunity to confer with EPA and hereby consents to the issuance and terms of the foregoing Amendment to Administrative Order on Consent for the performance of the Focused Data Collection Program at the London Mill Wastewater Treatment Plant Site in Polk County, Tennessee.

Richard D. Green 9-20-95
Date

[Handwritten signature/initials]